

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICOLE JEAN ROGERS,
Plaintiff,
v.
VALERO, et al.,
Defendants.

No. 2:25-cv-0488-DC-CKD (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiff filed a pro se civil complaint and the matter was referred to the undersigned by Local Rule 302(c)(21) pursuant to 28 U.S.C. § 636(b). On April 17, 2025, plaintiff's complaint was found not to state a claim and was dismissed with leave to amend. (See ECF No. 3.) The undersigned ordered plaintiff file any amended complaint within 30 days of the date of that order. (Id. at 4.) Plaintiff was specifically cautioned that failure to file an amended complaint or otherwise respond to the order would result in a recommendation that this action be dismissed. The time granted for plaintiff to file an amended complaint has expired. Plaintiff has not filed an amended complaint, sought an extension of time to do so, or otherwise communicated with the court.

In recommending this action be dismissed for failure to prosecute, the court has considered "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to

1 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
2 disposition of cases on their merits; and (5) the availability of less drastic alternatives.” Ferdik v.
3 Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because plaintiff has not
4 stated a claim for relief and this case cannot move forward without plaintiff’s participation, these
5 factors weigh in favor of dismissal.

6 Based on the foregoing, IT IS HEREBY RECOMMENDED as follows:

- 7 1. This action be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b); and
- 8 2. The Clerk of the Court be directed to close this case.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, plaintiff may file written objections
12 with the court and serve a copy on all parties. Such a document should be captioned “Objections
13 to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
14 objections within the specified time may waive the right to appeal the District Court’s order.
15 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 Dated: May 22, 2025

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18 CAROLYN K. DELANEY
19 UNITED STATES MAGISTRATE JUDGE

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